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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : McVay et al.  
Application No. : 10/758,448  
Filing Date : January 15, 2004  
Examiner : Amerson, L. B.  
Art Unit : 3764  
Confirmation No. : 5624  
Docket No. : 23156-151  
Title : VARIABLY CONFIGURED EXERCISE DEVICE

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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on December 29, 2005 to facsimile number. (571) 273-8300.

Christina R. Correll

Signature

Christina R. Correll

Typed or printed name of person signing Certificate

Associated Papers:

1. Transmittal Form (1 Page);
2. Response to Office Communication Dated November 29, 2005 (3 Pages);
3. Copy of Pending Claims (6 Pages); and
4. Copy of Notice of Abandonment in U.S. Application No. 10/758,447 (2 Pages).

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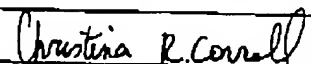
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/758,446
	Filing Date	01/15/2004
	First Named Inventor	McVay et al.
	Art Unit	3764
	Examiner Name	Amerson, L.
	Attorney Docket Number	23156-151
Total Number of Pages In This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice of Abandonment in U.S. Application No. 10/758,447; Return Receipt Postcard
Remarks Amendment/Reply = Response to Office Communication Dated November 29, 2005		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Benesch, Friedlander, Coplan & Aronoff LLP		
Signature			
Printed name	Gregory S. Kolocouris		
Date	December 29, 2005	Reg. No.	47,714

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Christina R. Cornell	Date	December 29, 2005

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Title : **VARIABLY CONFIGURED EXERCISE DEVICE**

M.S. Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE COMMUNICATION DATED NOVEMBER 29, 2005**

Dear Examiner:

Applicant acknowledges receipt of the Office Communication dated November 29, 2005 in connection with the above-referenced application ("subject application"). The one-month period for replying to this Office Communication expires on December 29, 2005. Accordingly, this Response is timely filed.